United Nations A/57/191

General Assembly

Distr.: General
8 August 2002

Original: English

Fifty-seventh session

Request for the inclusion of a supplementary item in the agenda of the fifty-fifth session

Question of the representation of the Republic of China (Taiwan) in the United Nations

Letter dated 1 August 2002 from the representatives of Burkina Faso, Chad, El Salvador, the Gambia, Grenada, the Marshall Islands, Nicaragua, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General

Upon the instructions of our respective Governments, we have the honour to request, pursuant to rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-seventh session of a supplementary item entitled "Question of the representation of the Republic of China (Taiwan) in the United Nations". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (annex I) and a draft resolution (annex II).

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Annex I

Explanatory memorandum

The Republic of China (Taiwan) is a free and peace-loving state, and its democratically elected Government is the sole legitimate one that can represent the interests and wishes of the people of Taiwan in the United Nations. However, it will soon be the only country that remains excluded from the Untied Nations. Today, for the following reasons, there is an urgent need to examine this particular situation and to redress this mistaken omission.

1. Universality is a fundamental principle of the United Nations

The Preamble of the Charter of the United Nations speaks powerfully of the United Nation mission to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equ rights of men and women and of nations large and small". This language clearly articulates the principle of universality, for all peoples and all nations. Furthermore, Article 4 of the Charter invites "all other peace-loving states" to join the Organization.

Since the end of the Cold War, the work of the United Nations has become increasingly important in global governance, and the principle of universality has taken on new urgency. With the admission of East Timor and Switzerland, all the countries of the world have now become members of this ever more truly global Organization — all except one, Taiwan. After all these achievements in realizing the principle of universality, the complete exclusion of Taiwan from the United Nations poses a moral and legal challenge to the international community.

Indeed, participation in the United Nations is the common wish of the people in Taiwan, because they cherish its founding ideals of peace and human rights. Based on this strong public enthusiasm, securing such participation has become a paramount task of the democratically elected Taiwanese Government. In this time of global uncertainty, all members of the international community who also share these ideals ought to welcome these aspirations.

2. General Assembly resolution 2758 (XXVI) has not resolved the issues of the representation of Taiwan

From 1949 to 1971, the question of the representation of the People's Republic of China in the United Nations was in dispute. In order to address this problem, the General Assembly adopted resolution 2758 (XXVI) on 25 October 1971, which seated the People's Republic of China in the United Nations. This resolution, however, did not address the issue of representation of Taiwan in the United Nations. Unfortunately, it has subsequently been misused to justify the exclusion of Taiwan.

The text of resolution 2758 (XXVI) reads as follows:

The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the Untied Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

It should be noted especially that resolution 2758 (XXVI) addressed only the issue of the representation of the People's Republic of China in the United Nations and all related organizations, did not decide that Taiwan is a part of the People's Republic of China, and did not confer on the People's Republic of China the right to represent the Republic of China on Taiwan or the Taiwanese people in the United Nations and all related organizations.

Despite the clear spirit and letter of the resolution, for the past 31 years since its adoption, Taiwan has been excluded from the United Nations and Taiwan's 23 million people have been deprived of their fundamental human rights to participate in United Nations work and activities — in violation of the United Nations Charter, the Universal Declaration of Human Rights, and other international human rights norms.

3. The Republic of China (Taiwan) is a sovereign state and a constructive member of the international community

Taiwan has a population of 23 million, and a fixed territory consisting of Taiwan and the islands of Penghu, Kinmen and Matsu. Taiwan has a Government that is capable of effective decision-making and possessing ample capacity to conduct international relations with other states of the world community. This last fact is demonstrated not only by its full diplomatic relations with 26 Member States of the United Nations, but also by its active membership of a number of international organizations.

Taiwan is not, and has never been, a local government or province of the People's Republic of China. On the contrary, ever since the establishment of the People's Republic of China on 1 October 1949, the two sides of the Taiwan Strait have been governed separately, with neither having any control or jurisdiction over the other.

Following the end of four decades of authoritarian rule in 1987, extensive constitutional reforms made it possible for Taiwan to hold its first general parliamentary elections in 1992, and then in 1996 its first direct presidential election. Finally, in 2000, the first peaceful transfer of executive power from one political party to another took place through the second presidential election.

Taiwan's successful democratization and enthusiastic human rights efforts evidence the people's perseverance and the Government's commitment to upholding and furthering peace. Thus, in his inaugural speech, President Chen Shui-bian emphasized the importance of democracy and peace for the Taiwanese people: "With our sacred votes we have proved to the world that freedom and democracy are indisputable universal values, and that peace is humanity's highest goal."

Further, as a democracy, Taiwan is committed to setting an exemplary model for the promotion and protection of human rights. The Government has promised to bring Taiwan into the international human rights system, pledging to abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Programme of Action. To carry out these goals, Taiwan is presently in the process of creating a National Human Rights Commission in accordance with the principles laid down by the United Nations.

4. Taiwan's exclusion from the United Nations constitutes discrimination against its people, depriving them of their fundamental human rights to benefit from and contribute to the work of the United Nations

As a newly developed economy, Taiwan is confronted with a wide variety of issues and needs in areas such as environmental protection, demographic shifts, provision of health care and the control of infectious disease, food and energy security, safer and speedier international air travel and transportation, and efficient telecommunications. In a world of accelerating interdependence, these areas increasingly must be addressed by international mechanisms and cooperation, and the United Nations and its specialized agencies have taken the lead in many of these processes.

However, General Assembly resolution 2758 (XXVI) has often been invoked by both the People's Republic of China as well as officials of the United Nations to prevent not only governmental agencies, but also non-governmental organizations and even individuals from Taiwan from participating in the activities of the United Nations, including all activities related to the Economic and Social Council. This unjust exclusion of Taiwan's Government, civic organizations and individuals runs directly counter to the fundamental principle of universal participation that the United Nations upholds, and it infringes on the rights of the people of Taiwan not only to be represented, but also to engage in the wide range of substantive programmes of the United Nations for the mutual benefit of all.

Among the most recent examples of this discrimination are the following:

(1) While the Government of Taiwan is willing to contribute its financial and human resources to the Global Fund to Fight AIDS, Tuberculosis and Malaria, it has not been invited to any of the various United Nations-sponsored conferences and programmes on HIV/AIDS; nor have Taiwan's many researchers and NGOs working on combating the epidemic been allowed to participate.

(2) Taiwan — itself an active contributor of official development assistance to many countries — was not invited to the International Conference on Financing for Development held in Monterrey, Mexico, in March 2002.

(3) Despite Taiwan's serious efforts in improving children's rights in the past three decades, it was unable to attend the General Assembly special session on children in May 2002.

(4) Although the Taipei Flight Information Center and five major airports in Taiwan provide a huge number of flight information services (a total of 1.55 million in the year 2001), Taiwan's Civil Aeronautics Administration continues to be barred from the activities of the International Civil Aviation Organization (ICAO).

(5) At the World Health Assembly meeting in May 2002, members of the public of various nationalities whose passports merely indicated a place of birth in Taiwan were not permitted to enter the public gallery.

(6) Finally, although Taiwan responded expeditiously to the Security Council's call for action on international terrorism in September 2001, without the participation of Taiwan's relevant government agencies in appropriate international mechanisms, there exists a critical gap in the global network of anti-terrorism and money-laundering.

It is high time that the United Nations and its various specialized agencies stop the arbitrary and objectionable practice of ignoring and excluding Taiwan. Inclusion of Taiwan will enable it to contribute to and benefit from the global efforts led by the United Nations, while continued exclusion of Taiwan will violate the rights of 23 million people and therefore greatly diminish these important efforts.

5. The Republic of China on Taiwan is able and willing to carry out all United Nations Charter obligations

Of course, while all peoples have the right to participate in the United Nations, these rights come with serious obligations. All must work towards the purposes of the Organization as enumerated in Article 1 of the Charter according to the principles laid down in Article 2. Moreover, Article 56 enjoins all nations to "pledge themselves to take joint and separate action" for the achievement of the purposes set forth in Article 55, including "(a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

As a peace-loving country and a vibrant democracy, Taiwan is fully able and willing to carry out these solemn obligations, because it sincerely shares the United Nations ideals of peace, human rights and development. Moreover, with its internationally recognized achievements in economic and social development, Taiwan is also fully able to carry out its obligations. Over the past half-century, Taiwan's hardworking people have transformed the country into the world's seventeenth largest economy, with the fifteenth largest trade volume, eighth largest outward investment, and third largest export of information technology products. This economic performance already contributes greatly to both regional and global prosperity, and it surely enables the support necessary to carry out all United Nations Charter obligations.

As a successful example of modern economic development, Taiwan's experience is especially valuable for developing nations, and it has always been willing to share this experience with the world by engaging in various foreign assistance and relief programmes. Since foreign aid and support played a crucial role in the early stages of Taiwan's development, the people of Taiwan feel keenly their responsibility to return this generosity. They have supported a steady expansion of Taiwan's overseas development assistance, which has risen to 0.15 per cent of GDP. Although this sum is still below the target for fully developed countries, it is nonetheless significant, the more so when it is realized that Taiwan is prevented from contributing to the main multilateral aid programmes. At the end of

2001, Taiwan had stationed 40 long-term technical missions in 34 partner countries to strengthen local skills in such fields as agriculture, fisheries, horticulture, animal husbandry, handicrafts, medicine, transport, industry, mining, electricity production, printing, vocational training, and trade and investment. These and other programmes fully demonstrate Taiwan's sincerity and capacity to achieve meaningful development for all peoples of the world.

In the area of humanitarian assistance, Taiwan is also playing an increasingly active role. In 2001, Taiwan officially dispatched a rescue team and valuable supplies to El Salvador following a pair of earthquakes, and its NGOs contributed to the relief efforts in the Indian state of Gujarat following an earthquake there. In addition, the government of Taiwan, in active cooperation with its civil society, delivered essential humanitarian relief to refugees in Afghanistan to contribute to rehabilitation following the anti-terrorist campaigns in that country.

These activities continue to grow in scale and scope, despite Taiwan's exclusion from participation in related multilateral venues. Of course, Taiwan's endeavours would be much more effective if they could be coordinated with international efforts undertaken by the United Nations and its specialized agencies. In a time of increasingly serious resource gaps in many programmes of vital importance for the well-being of humanity, it is irresponsible for the international community to refuse to work together with a willing partner like Taiwan.

6. Taiwan's participation in the United Nations will help maintain peace and stability in Asia and the Pacific

The paramount mission of the United Nations remains the maintenance of peace and security throughout the world. Since positive development of relations across the Taiwan Strait is critical to the enduring peace and security of the Asia-Pacific region, the United Nations has a responsibility to address this situation. Indeed, it can and should play a facilitating role by providing a forum for reconciliation and rapprochement between Taiwan and the People's Republic of China. Eventually, by working together, Taiwan and the People's Republic of China have the potential to make great contributions towards peace and stability, to the benefit of not only the peoples on both sides of the Taiwan Strait, but throughout the region. The United Nations should take all measures to encourage and facilitate this outcome.

The leaders of Taiwan have frequently reiterated appeals to the leaders of the People's Republic of China for peaceful settlement of political disputes between the two sides. Taiwan has also taken concrete steps to normalize trade relations with the People's Republic of China so as to pave the way for political reconciliation. These measures include the establishment on 1 January 2001 of direct trade, communications and transportation links between Taiwan's offshore islands of Kinmen and Matsu and China's ports of Xiamen and Fuzhou. In his statement on 9 May 2002 on the islet Tatan, President Chen Shui-bian of Taiwan reiterated his appeal to leaders of the People's Republic of China to resume dialogue between the two sides of Taiwan Strait without any preconditions, and stated further that normalization of relations across the Taiwan Strait should start with economic, trade and cultural exchanges.

It is noteworthy that in January 2002 both Taiwan and the People's Republic of China became full members of the World Trade Organization (WTO). It is expected

that the WTO will serve as a constructive platform for dialogue on trade and economic issues between the two sides. Likewise, the United Nations and its specialized agencies can provide a multilateral forum for contacts on a wider range of issues. This interaction will help build mutual trust and confidence between Taiwan and the People's Republic of China.

7. The representation of the Republic of China on Taiwan in the United Nations will contribute to the common interests of all humankind

Taiwan's representation in the United Nations will fulfil the principle of universality in membership, making the world organization more representative, comprehensive and effective. It will also contribute to the maintenance of international peace and security and to enhancing international cooperation in political, economic, social and cultural development, as well as in human rights and humanitarian affairs.

Taiwan needs the United Nations, and the United Nations needs Taiwan.

Annex II

Draft resolution

The General Assembly,

Considering, with concern, the fact that the 23 million people of Taiwan are the only remaining people in the world who still lack representation in the United Nations, which situation violates the principles and spirit of the Charter of the United Nations, in particular the fundamental principle of universality, and of the Universal Declaration of Human Rights,

Recalling that by resolution 2758 (XXVI) the General Assembly decided to "restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it",

Recalling, further, that General Assembly resolution 2758 (XXVI) addressed only the issue of the representative of the People's Republic of China in the United Nations and all related organizations, did not decide that Taiwan is a part of the People's Republic of China, and did not confer on the People's Republic of China the right to represent Taiwan or the Taiwanese people in the United Nations and all related organizations,

Noting the fact that, since its establishment in 1949, the People's Republic of China has never exercised any control or jurisdiction over Taiwan, nor has the government of the Republic of China on Taiwan ever exercised any control or jurisdiction over the territory of the People's Republic of China,

Noting, further, that Taiwan has remarkably transformed itself into a free, democratic State after terminating four decades of authoritarian rule,

Acknowledging that the democratically elected Government of the Republic of China on Taiwan is the sole legitimate government that can represent Taiwan and the Taiwanese people in the United Nations and the international community,

Observing that the people of Taiwan and their elected leaders are committed to the universal values of democracy, freedom and human rights as well as to the enhancement of international cooperation on economic, social and cultural development and humanitarian assistance,

Mindful of the importance of the strategic position of Taiwan in the Asia-Pacific region, and that the participation of Taiwan in the United Nations will contribute significantly to the maintenance of international peace and security in that region through preventive diplomacy,

Decides:

(a) To recognize the right of the 23 million people of the Republic of China on Taiwan to representation in the United Nations system;

(b) To take appropriate measures to implement paragraph (a) of this resolution.